

Oregon Energy Facility Siting Council

July 19, 2024 Meeting

Agenda Item B: Wagon Trail Solar Project – Council Review of the Draft Proposed Order

Attachment 3: DPO Comments and Applicant Response

From: [Hale, Kelly \(RBC Wealth Mgmt\)](#)
Sent: Wednesday, May 29, 2024 12:46 PM
To: [MCVEIGH-WALKER Chase * ODOE](#)
Subject: FW: Wheatridge Renewable Energy/Wagon Trail Solar

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from kelly.hale@rbc.com. [Learn why this is important](#)

May 29, 2024.

Chase McVeigh-Walker, Senior Siting Analyst
[Oregon Department of Energy-](#)

Kelly Kilkenney Hale and Russell Kilkenney, Co-Trustees of the Robert J. Kilkenney Trust
1124 SW Myrtle Drive
Portland, OR 97201

Dear Chase,

Our comments regarding in support of the above mentioned project.

The Robert J. Kilkenney Trust is the sole owner of two LLCs created to hold two tracts of farm ground previously owned by our Dad: the Kilkenney Land Company, LLC., and the RJK Family, LLC. Russell and I became successor Trustees to Dad after he died in 2016. RJK Family, LLC has both Turbines and Solar panels on the land. Kilkenney Land Company, LLC has Wind Turbines only at this time.

The first year of operation after Dad's passing provided no ROI. The ground is a very fine Silt Loan. We have no access to water. The average yield is 30 bushels to the acre. The price for wheat in 1975 was similar to this year. Land values are roughly \$500 an acre for our ground vs Irrigated ground at \$12,000 an acre. The first year after the Turbine installation gave us an ROI of roughly 15%. It allowed us to increase acreage. We let our CRP contracts expire that totaled 700 acres and have begun the process of returning it to farm land. That increased our fertilizer bill to MCGG by \$40,000.00.

We are also working to make our existing acres more productive. We've begun a double fallow rotation. This has many benefits: it allows us to kill more weeds and rye and boosts our average

yield. We realize that the solar leases will take acres out of production. It's important that you understand the extra revenue from the Wind revenue has given us the opportunity to add more acreage into production and increase our yields.

We will see a net gain in production from the Renewable Energy Partnership with NextEra. Our working relationship with NextEra has been extremely productive. They have paid to clean up our property. They are incredible stewards of the land. Also, they have provided additional jobs/tax revenues to Morrow County. They have also provided sponsorship to local events.

Thanks in advance for your support of the Wagon Trail Solar Facility. Please reach out with any additional questions.

Best,

Kelly Kilkenny Hale | Senior Vice President –Financial Advisor, Senior Portfolio Manager –
Portfolio Focus / Firm CA License # 0C38863

RBC Wealth Management, a division of RBC Capital Markets, LLC |

805 SW Broadway, Suite 1800, Portland, OR 97205

Phone 503-833-5244 | Toll Free 800-319-6144 | Cell 503-780-5133 | Fax 503-295-5832

Kelly.hale@rbc.com | https://www.rbcwmfa.com/gall_hale/

RUSSELL R. KILKENNY

Scarborough, McNeese, Oelke & Kilkenny, P.C.

Attorneys at Law

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Lake Oswego, Oregon 97035-8682

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Web: www.smoklaw.com

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ENERGY FACILITY SITING COUNCIL (EFSC)
Date: May 30, 2024 Location: Boardman, Oregon
REGISTRATION FOR PUBLIC COMMENT ON WAGON TRAIL SOLAR PROJECT PROPOSED ORDER

Name: Tamra Wabbott
Address: 216 SE Main St, Trigen, OR 97844
I represent (if applicable) Morrow County
Print your name OR your organization/business name.

☐ Send me future notifications about Council meetings via email.

My email address is: twabbott@co.morrow.or.us

☒ I wish to address the Energy Facility Siting Council and/or

☐ I wish to submit the following written comment:

Written comments to follow.

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT

*See reverse for tips on giving testimony

ENERGY FACILITY SITING COUNCIL (EFSC)

Date: May 30, 2024 Location: Boardman, Oregon

REGISTRATION FOR PUBLIC COMMENT ON WAGON TRAIL SOLAR PROJECT PROPOSED ORDER

Name: Cameron Krebs

Address: 68171 Kunze Lane, Boardman 97818

I represent (if applicable) Krebs Solar Grazing

Print your name OR your organization/business name.

☐ Send me future notifications about Council meetings via email.

My email address is: _____

☒ I wish to address the Energy Facility Siting Council and/or

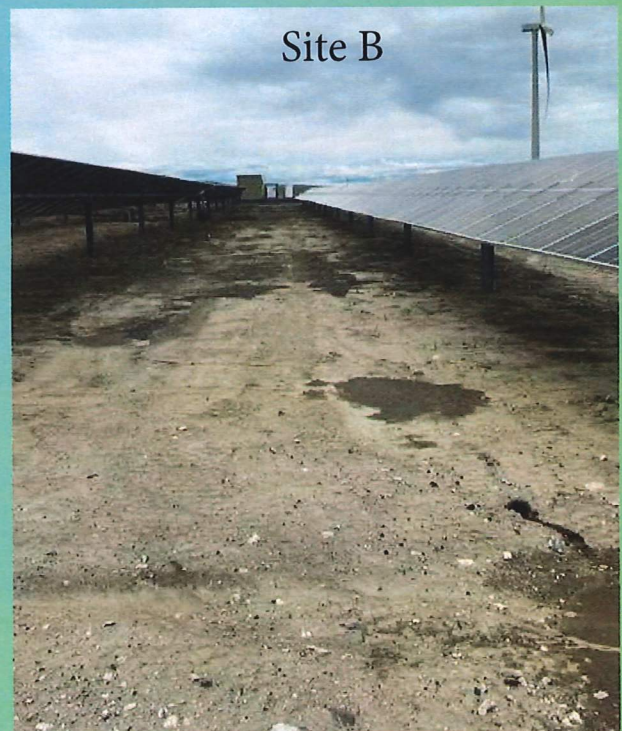
☒ I wish to submit the following written comment:

See Attached Vegetation Comparison on Operating Solar Farm

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.

Vegetation Comparison on Operating Solar Farms

- As defined by NRCS soil health is the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans. Healthy soil gives us clean air and water, bountiful crops and forests, productive grazing lands, diverse wildlife, and beautiful landscapes.
- Both solar farm sites pictured are located in the Columbia Basin; one in Morrow County and the other in an adjoining county. Sites are similar in size and operational years. Pictures are from the spring 2024 growing season.
- Site A, on the left has a healthy vegetative cover across the entire site. Management practices have been mowing and grazing over the last two growing seasons.
 - Benefits: Soil with vegetative cover aids in water infiltration, prevention of water erosion, wind erosion and provides habitat.
- Site B, on the right has had at least two consecutive years of bare earth during the growing season. Perceived management practice is continuous chemical applications.
 - Concerns: What is the effect of long-term chemical applications to our drinking water, surface water, soil health, wildlife and natural environment.



Please don't permit solar farms to use a bare earth approach to vegetation management.

For more information contact
Cameron Krebs, Krebs Solar Grazing
541-760-0368 Cameron.L.Krebs@gmail.com

PLEASE RETURN THIS FORM TO THE COUNCIL ASSISTANT
*See reverse for tips on giving testimony

ENERGY FACILITY SITING COUNCIL (EFSC)
Date: May 30, 2024 Location: Boardman, Oregon
REGISTRATION FOR PUBLIC COMMENT ON WAGON TRAIL SOLAR PROJECT PROPOSED ORDER

Name: Sam Myers

Address: 68453 Little Butte Cr Rd

I represent (if applicable) _____
Print your name OR your organization/business name.

- ☐ Send me future notifications about Council meetings via email.
My email address is: _____

- ☒ I wish to address the Energy Facility Siting Council and/or
☐ I wish to submit the following written comment:

PLEASE NOTE: If there are a large number of speakers, it may be necessary to limit the amount of time each speaker is allowed.



AGENDA ITEM COVER SHEET
Morrow County Board of Commissioners

(for BOC Use)
Item #
7.e.

Presenter at BOC: Tamra Mabbott, Planning Director

Date Submitted: May 29, 2024

Department: Planning Department

Requested Agenda Date: June 5, 2024

Short Title of Agenda Item: Wagon Trail Solar Draft Proposed Order

1. ISSUES, BACKGROUND, DISCUSSION AND OPTIONS (IF ANY):

Comment Letter for Energy Facility Siting Council approval of Wagon Trail Solar Project Draft Proposed Order

2. FOR CONTRACTS AND AGREEMENTS:

Contractor/Entity:

Contractor/Entity Address:

Effective Dates - From:

Through:

Total Contract Amount:

3. FISCAL IMPACT:

N/A

4. SUGGESTED ACTION(S)/MOTION(S):

Approve Wagon Trail Solar DPO Comment Letter

5. ATTACHMENTS:

1. 6.5.24 ASC_BOC Letter
2. Attachment A- Jan. 2021
3. Attachment B- June 2021
4. Attachment C- Oct. 2022
5. Attachment D- Feb. 2024



PLANNING DEPARTMENT

P.O. Box 40 • 215 NE Main Ave. Irrigon, Oregon 97844
(541) 922-4624 • www.morrow.or.us/planning

May 31, 2024

Chase McVeigh Walker
Senior Siting Analyst, Oregon Department of Energy
550 Capitol Street N.E., 1st Floor
Salem, OR 97301

RE: Wagon Trail Solar Project, Comments on Draft Proposed Order (DPO)

Dear Mr. McVeigh Walker:

Thank you for the opportunity to provide comments on the Draft Proposed Order for Wagon Trail Solar. Morrow County has participated throughout the review process and provided comments as the appointed Special Advisory Group on the NOI as well as the draft site certificate. Previous comment letters are included as Attachments A-D to this correspondence.

It is our understanding that Wagon Trail Energy Center seeks Energy Facility Siting Council (EFSC) approval to construct the following:

- 500 MW PV facility
- 3,852.5 acres of impacted area
- 7,450-acre Site Boundary (1,705 HVF)
- 604 BESS units (35 total acres of batteries)
- 2 Substations (16 acres)
- 0.6 mile above-ground transmission line
- 47 miles of new roads (not including previously approved Wheatridge roads)
- 6-8 ft. fencing (potentially up to 40 miles of perimeter fencing)

As part of our ongoing engagement, Morrow County appreciates the responsiveness of the Oregon Department of Energy (ODOE) in addressing concerns raised during the Application for Site Certificate (ASC) process, particularly regarding issues such as noxious vegetation and wildfire risks. We are strongly supportive of the project and anticipate continued collaboration with the Department and the Applicant to ensure its successful establishment in Morrow County.

Our comments at this time focus on the Goal 3 exception justification addressed on pages 103-116 of the WTSP Draft Proposed Order (DPO) for Site Certificate. Morrow County requested a more robust Goal 3 exception justification in a comment letter, dated October 12, 2022, as well as the ASC comment letter dated February 7, 2024 (included as Attachments C and D to this letter.) Morrow County has not found that the final version of the application sufficiently

demonstrates that an exception to Statewide Planning Goal 3 is justified. The County disagrees with ODOE's findings related to several elements of the Applicant's goal 3 reasons justification, as outlined below:

1. **The Facility responds to important state and county goals and priorities.** *Department rejects Applicant's argument- consistency with local and state energy policies is not an adequate reason to justify taking an exception to Goal 3.*
Morrow County agrees with ODOE that this justification is insufficient and should be rejected.
2. **The Facility is locationally dependent.** *Department accepts the Applicant's argument that proximity to existing or approved renewable energy development and an existing transmission line satisfies the criteria for being locationally dependent.*
County concurs with ODOE that this reason is sufficient and should be accepted.
3. **Minimal Impacts to Agriculture.** *Department rejects two of the Applicant's justifications demonstrating minimal agricultural impacts.*
 - a. Minimal direct impacts on agriculture. *(ODOE Rejected)*
 - b. Minimal indirect and induced impacts on agriculture. *(ODOE Accepted)*
 - c. Water availability. *(ODOE Accepted)*
 - d. Farmland preservation and temporary land conversion. *(ODOE Rejected)*County concurs with ODOE's rejection of items a and d above as well as ODOE's acceptance of item c. However, County disagrees with ODOE's finding on item b above and finds, in the alternative that the project will have substantial indirect and induced impacts on the local agriculture economy. Similar to wetland mitigation, county supports agricultural mitigation as way to approve an exception to Statewide Planning Goal 3.
4. **Local Economic Benefits.** *Department rejects Applicant's argument that the economic benefits of the project constitute a reason justifying taking a goal exception, however Department finds that the economic benefits of related to the agricultural mitigation fund are sufficient for justifying such an exception.*
County does not agree with ODOE's finding that the project's local economic benefit is a sufficient reason to justify the Applicant's requested Goal 3 Exception. There is indeed general economic benefit with the construction and operation of a solar facility. There is not, however, a direct nexus between those general economic benefits and benefit (or impacts) to farmland. As a remedy, to offset net impacts to agricultural lands, County supports a robust farm mitigation program.
5. **Minimal Impacts to Other Environmental Resources.** *Department agrees that minimal impacts to other environmental resources is a sufficient justification for approving a Goal 3 exception.*
County concurs with ODOE that this reason is sufficient and should be accepted.

The DPO includes land use conditions 14 and 15, which require the applicant to contribute \$170,000 to the Oregon State Agricultural Research Program and \$300,000 to the Morrow County Grain Growers Association. While County strongly supports the identified projects,

those contributions fall short in addressing the substantial impact of lost agricultural land. County believes that the ODOE conditions undervalue the impact on Morrow County's agricultural economy. By comparison, a similar project under EFSC review (Sunstone Solar) found a much higher value per acre in establishing the mitigation methodology. Both projects relied on the same consultant, ECONorthwest, to conduct that analysis. The analysis for the Sunstone project reflects a more comprehensive understanding of the anticipated direct and indirect economic implications. Morrow County believes it is important to establish a consistent and robust methodology for assessing agricultural mitigation, particularly as used to justify a Goal 3 exception. Mitigation for removal of wetlands is a well-established practice which is a model for agricultural lands mitigation. While appreciative of the efforts thus far, the proposed conditions represent a nominal contribution per acre comparatively.

We urge ODOE and the Applicant to reconsider the justification for the requested Goal 3 exception and enhance the agricultural mitigation proposal. This would include formalizing the mitigation proposal with a Memorandum of Agreement which may also include the appointment of a committee to identify projects and distribute the funds to agricultural programs that serve to mitigate impacts to farmland.

We hope the county's solution will not create an undue burden on NextEra nor disrupt the project timeline. Thank you for considering our input on this matter. We remain committed to constructive engagement and look forward to further discussions to address these concerns. For questions or additional information, please contact Tamra Mabbott, Planning Director, at 541-922-4624 or tmabbott@co.morrow.or.us.

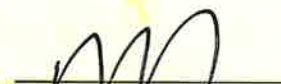
Sincerely,



David Sykes
Chair



Jeff Wenholz
Commissioner



Roy Drago Jr.
Commissioner

Cc: Tamra Mabbott, Planning Director
Eric Imes, Public Works Director
Corey Sweeney, Weed Coordinator

Attachments:

- A. 1.20.2021 NOI Comment Letter
- B. 6.23.2021 NOI Amendment Letter
- C. 10.12.2022 pASC Comment Letter
- D. 2.7.2024 ASC Comment Letter



January 20, 2021

P.O. Box 788 • Heppner, OR 97836
541-676-5613

www.co.morrow.or.us

Board of Commissioners

Commissioner Don Russell, Chair
Commissioner Jim Doherty
Commissioner Melissa Lindsay

Chase McVeigh Walker, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street NE
Salem, OR 97301

RE: Request for Comments on the Notice of Intent submitted by Wheatridge East Wind, LLC
for the proposed Wagon Trail Solar Project in Morrow County.

Dear Mr. McVeigh Walker,

Thank you for the opportunity to comment on the Notice of Intent and to provide the applicable substantive criteria for the Wagon Trail Solar Project. The Morrow County Board of Commissioners also acts as the Special Advisory Group (SAG) as appointed by the Energy Facility Siting Council (EFSC). As requested in your December 21, 2020 letter, Morrow County provides a response in accordance with OAR 345-015-0120, below.

OAR 345-015-0120 standards are shown below in bold, followed by a response in standard font.

- (a) The name, address and telephone number of the agency contact person assigned to review the application.** The local contact person is Tamra Mabbott, Planning Director, tmabbott@co.morrow.or.us, (541) 922-4624.
- (b) Comments on aspects of the proposed facility that are within the particular responsibility or expertise of the reviewing agency.** Morrow County has responsibility for land use planning and regulation, county road maintenance, construction and access management, weed control and solid waste. As part of our land use review process, we coordinate with local, state and federal agencies.
- (c) Recommendations regarding the size and location of analysis area.** Figure 4 in the NOI shows proposed study areas. For public services, study area includes the Town of Lexington. Morrow County recommends the study area be expanded to include the Town of Ione and the Cities of Heppner and Boardman. Ione, Heppner and Boardman offer more services such as food, dining, hotel and RV camping and will likely be impacted. The project is located in a remote, rural area and based on experience with other renewable energy construction projects in Morrow County, all towns within a 30-mile area are impacted. Some of those impacts are positive, for example, additional commerce for grocery and lodging businesses. Some of the impacts have had negative impacts, for example temporary construction workers occupying non-permitted camping areas which presents public health and fire and safety concerns.

Other analysis areas proposed appear to be adequate.

- (d) **A list of studies that should be conducted to identify potential impacts of the proposed facility and mitigation measures.** Based on adopted Morrow County ordinances, policies and plans, we would require the following: wildlife and habitat studies; an analysis of current noxious and invasive weeds and a mitigation plan; Traffic Impact Analysis; a review of possible flood and other hazards; a cultural resource analysis of the lands; an assessment of socioeconomic impacts.
- (e) **If the applicant has identified one or more proposed corridors in Exhibit D of the NOI as required by OAR 345-020-0011(1)(d), a discussion of the relative merits of the corridors described in the NOI and recommendations, if any, on the selection of a corridor; Can you give some examples?**
Page 8 of the NOI claims the “facility will utilize up to 8 miles of 230-kV transmission line. Morrow County requests additional information about the transmission lines and their proposed locations. Additionally, where new transmission lines will be constructed as part of this solar facility, Morrow County requests that the transmission lines be permitted as part of this project in order to fully assess the impacts of the entire project, including the transmission lines.
- (f) **A list of statutes, administrative rules and local government ordinances administered by the agency that might apply to construction or operation of the proposed facility and a description of any information needed for determining compliance.** Morrow County applicable ordinances include the following: Morrow County Comprehensive Plan, Morrow County Zoning Ordinance, Morrow County Subdivision Ordinance, Morrow County Transportation System Plan, Morrow County Public Works Policy on Renewable Energy Development, Morrow County Solid Waste Ordinance, Morrow County Code Enforcement Ordinance, Morrow County Weed Control Ordinance, and the Morrow County Natural Hazard Mitigation Plan. A detailed list is attached and is also accessible on the county website.
- (g) **A list of any permits administered by the agency that might apply to construction or operation of the proposed facility and a description of any information needed for reviewing a permit application.**
Conditional Use Permit (including Articles 3, 4 and 6 standards)
Site Plan Review
Zoning Permit
Road Use Agreement (to be provided by County after completion of Traffic Analysis)
- (h) **For tribes affected by the proposed facility, a list of tribal codes that the tribe recommends to the Council for its review of the application and specific information regarding the proposed facility or study areas described in the NOI that is necessary for determining compliance with those tribal codes.** Morrow County is not a tribal entity. This standard does not apply.

Thank you for your consideration of comments regarding the Notice of Intent submitted by Wheatridge East Wind, LLC for the Wagon Trail Solar Project in Morrow County.

If you have any comments or questions about this or the Ordinances, Plans and Policies

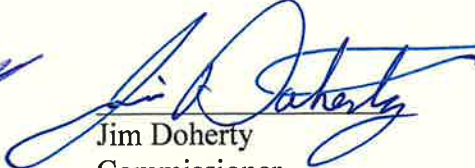
referenced herein, please contact Tamra Mabbott, Planning Director, (541) 922-4624, tmabbott@co.morrow.or.us, or Matt Scrivner, Public Works Director, (541) 989-8584 mscrivner@co.morrow.or.us.

Thank you for your outreach consideration of applicable Morrow County Policies, Standards, Plans and Regulations.

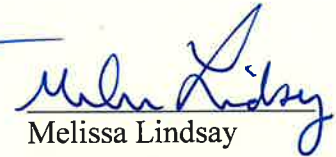
Sincerely,



Don Russell
Chair



Jim Doherty
Commissioner



Melissa Lindsay
Commissioner

Applicable Plans, Ordinances, Policies, Morrow County

Morrow County Comprehensive Plan (MCCP)

Citizen Involvement Policies
General Land Use Policies
Agricultural Lands Policies
Economic Policies
Housing Policies
Public Facilities and Services Policies
Energy Policies

<https://www.co.morrow.or.us/planning/page/comprehensive-plan>

Morrow County Zoning Ordinance (MCZO)

Article 3 Section 3.00 Exclusive Farm Use Zone
Section 3.010(B)24 and (25), 3.010 (D)(9) and D(10) Utility Facility Service
Lines and Utility Facilities Necessary for Public Service
Section 3.010(N) Transportation Impacts
Article 3.010(C)(24) Solar Facilities and (K)(3) Commercial Facilities for Generating
Power, Photovoltaic Solar Power Generation Facility
Article 4 Supplementary Procedures (relative to access, parking and related measure)
Section 4.165 Site Plan Review
Section 4.170 Site Development Review
Article 6 Conditional Uses
Section 6.020 General Criteria
Section 6.025 Resource Zones Standards for Approval (same as ORS 215.296)
Section 6.030 General Conditions
Section 6.040 Permit and Improvements Assurance

<https://www.co.morrow.or.us/planning/page/zoning-ordinance>

Oregon Revised Statutes and Oregon Administrative Rules

ORS 215.243 Agricultural Lands Policy

ORS 215.296 Standards for Approval of Certain Uses in EFU Zones

https://www.oregonlegislature.gov/bills_laws/ors/ors215.html

OAR 660-033-0130 (38) Standards for Solar Facilities

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3083>

OAR 660-004 Exception Process for Goal 3 Exception

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3054>

Morrow County Transportation System Plan (TSP)

Chapter 6 Transportation System Plan

Appendix D Traffic Impact Analysis Guidelines

Road Use Agreement (sample to be provided)

https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/12211/tsp_complete_document.pdf

Morrow County Public Works Renewable Energy Project Development Policy

https://www.co.morrow.or.us/sites/default/files/fileattachments/public_works/page/1141/renewable_energy_development_policy_september2010.pdf

Morrow County Solid Waste Management Ordinance, Section 5.000 Public Responsibilities

https://www.co.morrow.or.us/sites/default/files/fileattachments/public_works/page/2181/ordinance2008_update-1.pdf

Morrow County Code Enforcement Ordinance

https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/11881/2019_code_enforcement_final.pdf

Morrow County Weed Control Ordinance

https://www.co.morrow.or.us/sites/default/files/fileattachments/public_works/page/2361/morrow_county_weed_ordinance.pdf

Morrow County Multi-Jurisdictional Natural Hazard Mitigation Plan

https://www.co.morrow.or.us/sites/default/files/fileattachments/planning/page/2451/nhmp_2016_-_final_adoption.pdf



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Board of Commissioners

Commissioner Don Russell, Chair
Commissioner Jim Doherty
Commissioner Melissa Lindsay

June 23, 2021

Chase McVeigh Walker, Senior Siting Analyst
Oregon Department of Energy
550 Capitol Street N.E.
Salem, OR 97301

RE: Request for Comments on the Amended Notice of Intent submitted by Wheatridge East Wind, LLC for the proposed Wagon Trail Solar Project in Morrow County

Dear Mr. McVeigh Walker,

Thank you for the opportunity to comment on the Amended Notice of Intent (NOI) and to provide the applicable local substantive criteria for the Wagon Trail Solar Project. The Morrow County Board of Commissioners also acts as the Special Advisory Group (SAG), as appointed by the Energy Facility Siting Council (EFSC). As requested in your June 18, 2021 memorandum, Morrow County provides a response in accordance with OAR 345-015-0120.

County understands that the amendment, in summary, will add approximately 1,382 acres, or 2.17 square miles, to the footprint of the project. The additional area is contiguous to the boundary of the original NOI facility site boundary and roughly parallels State Highway 207 north of the Town of Lexington. The new project total will result in a generating capacity of up to 500 megawatts (MW) of energy.

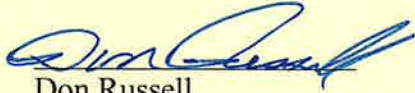
The local applicable standards are the same as those outlined in the January 20, 2021 letter for the original NOI.

Additionally, Morrow County encourages siting staff and the developer to coordinate with the Oregon Department of Transportation Region 5 and Morrow County Public Works to address any concerns regarding glare from the solar panels. Where the project boundary is due south of the U.S. Naval Bombing Range, we also encourage you to coordinate with the Community Planning and Liaison Officer.

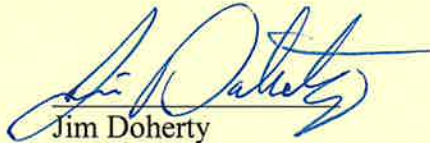
If you have any comments or questions about this or the Ordinances, Plans and Policies referenced herein, please contact Planning Director Tamra Mabbott, 541 922-2624, tmabbott@co.morrow.or.us or Public Works Director Matt Scrivner, 541-989-8584, mscrivner@co.morrow.or.us.

Thank you for your outreach consideration of applicable Morrow County Policies, Standards, Plans and Regulations.

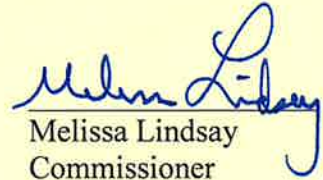
Sincerely,



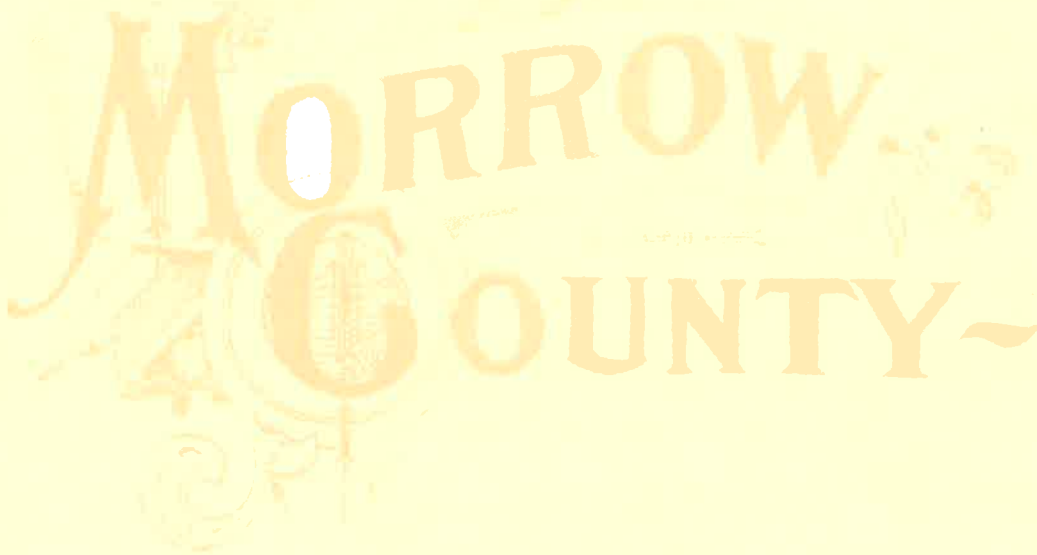
Don Russell
Chair



Jim Doherty
Commissioner



Melissa Lindsay
Commissioner





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Board of Commissioners

Commissioner Jim Doherty, Chair
Commissioner Melissa Lindsay
Commissioner Don Russell
October 12, 2022

Chase McVeigh-Walker, Siting Officer
Oregon Department of Energy
550 Capitol Street NE 1st Floor
Salem, Oregon 97301

RE: Wagon Trail Solar Project Preliminary Application for Site Certificate Comment Letter

Dear Mr. McVeigh-Walker:

Morrow County submits this letter to provide comments on the completeness of the Exhibits included in the Preliminary Application for Site Certificate (PaSC). Our comments focus on local interpretation of the Oregon Department of Energy (ODOE) Siting Council Standards as well as local applicable Ordinances. Our comments do NOT include Conditions of Approval rather, we will reserve those to include in our comments on the draft Proposed Order.

Exhibit E Permits Required:

Permits listed in the application accurately reflect the requirements from Morrow County. Please update contact information for Morrow County Public Works Director to Eric Imes, eimes@co.morrow.or.us.

The northern portion of Morrow County is host to the Boardman Military Operations Area (MOA). This Special Use Airspace is essential to National Defense and is mission critical to Naval Air Station (NAS) Whidbey Island and the Oregon Military Department (OMD). Morrow County requests review from both NAS Whidbey Island and OMD for their determination of no hazard to the future use of the MOA.

Exhibit K Land Use:

The land use analysis excludes maps or data to show the specific areas that qualify as "arable" under OAR 660-033-0130(38) or areas that are considered "high value farmland" according to ORS 195.300. The goal 3 exception analysis is not specific to lands and includes only general reasons for granting a Goal 3 exception. Further, Exhibit K does not address cumulative impacts of this project, combined with other adjacent existing and future projects and the relationship to the agricultural economy. Morrow County recommends Exhibit K provide more detailed mapping, data and analysis and a more robust Goal 3 exception justification.

Exhibit K page 40 includes general conclusions about complying with screening, drainage, lighting, etc. Morrow County requests more detail on lighting and mitigation. Any project lighting should be limited as to not interfere with the night sky, such lighting be shielded and directed downward.

Fencing that is at or over six feet in height will be subject to a Morrow County Zoning Permit as a structure. This should be identified in the exhibit.

Parking within the project area and at the O&M facility must meet building and ADA standards.

Exhibit P Fish and Wildlife:

At Exhibit P 9.1.4 PaSC mentions weed control. Morrow County incorporated weed abatement in the Code Enforcement Ordinance effective January 2015. Application would be improved if it included explicit mention of compliance with all local and state weed control rules, in particular addressing the identified Noxious Weeds and Weeds of Economic Importance and treatment as part of the Revegetation and Noxious Weed Control Plan. Additionally, Morrow County requests consultation with the Morrow County Weed Inspector and that the Weed Inspector be a reviewer of the applicant's Revegetation and Noxious Weed Control Plan.

Exhibit U Public Services. Exhibit U describes impacts to the community. There is an analysis of truck traffic but no analysis of transportation of employees. This exhibit warrants additional consideration of transit, carpooling and other modes of transportation for construction workers and maintenance workers.

At Exhibit U 2.3.2.4 Housing, the analysis is only very general and relies on outdated data. The exhibit warrants a more robust analysis and provision of specific solutions for providing housing, particularly for lands within the 30-mile study area. For example, South Morrow County is experiencing a severe housing shortage. Simply mentioning availability of rental units in remote areas does not appear to be adequate. Applicant is strongly encouraged to consult with the Town of Lexington, City of Lone and City of Heppner to identify housing options and solutions.

County notes that the Exclusive Farm Use Zone does not allow occupancy of an RV other than for temporary use. County has experienced such code violations associated with other renewable energy projects during the construction period. In order to avoid violations with this project, we encourage developer to meet with local cities and identify locations for longer term occupancy of Recreation vehicles.

Exhibit V Generation of Solid Waste and Wastewater:

The Morrow County Solid Waste Ordinance was adopted in 2006 and is applicable to the preliminary Application for Site Certificate. Morrow County requests the applicant address the Solid Waste Ordinance with particular focus on assuring that recyclables be disposed of in such a way to benefit the Morrow County waste shed through reporting as well as complying with requirements that solid waste be transported either by a franchised hauler or by complying with self-haul requirements. Contractor will be required to contract with a licensed solid waste handler or haul directly to an approved recycling facility.

Exhibit W Facility Retirement and Site Restoration:

Morrow County requests that the PaSC address final Retirement Plan and note that it will be

drafted in consultation with the Morrow County Weed Inspector as related to revegetation of the site at the time of decommissioning. Exhibit should also note that decommissioning financial assurances as presented in the Final Site Certificate will be in place prior to the start of construction.

OTHER

We note the application does not address fire and wildfire prevention. County requests this be included and that the applicant consult with local fire departments. County strongly encourages the applicant consult with Paul Gray, Morrow County Emergency Manager at (541) 676-5605.

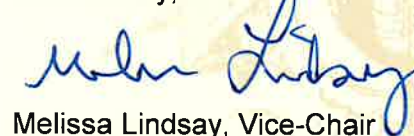
Thank you for the opportunity to comment on the Wagon Trail Solar Generating Facility Request for Preliminary Application for Site Certificate. Should you have any questions about these comments please contact our Planning Director, Tamra Mabbott at 541-922-4624 or by email at tmabbott@co.morrow.or.us.

Sincerely,

Morrow County Board of Commissioners



Jim Doherty, Chair



Melissa Lindsay, Vice-Chair



Don Russell, Commissioner

Cc: Eric Imes, Public Works Director
Paul Gray, Emergency Manager
Dave Pranger, Weed Supervisor
Town of Lexington
City of Heppner
City of Lone



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David Sykes, Chair
Jeff Wenholz, Commissioner
Roy Drago Jr., Commissioner

February 7, 2024

Chase McVeigh-Walker, Senior Siting Analyst
Oregon Department of Energy
550 Capital Street NE
Salem, OR 97301

RE: Application for Site Certificate
Wagon Trail Solar

Dear Mr. McVeigh-Walker:

This letter is intended to provide comments and recommendations for the proposed 500 MW Wagon Trail Solar Application for Site Certificate (ASC). Morrow County generally supports conditions recommended by EFSC staff but shares additional recommendations about certain specific standards.

County agrees with the draft conditions of approval to ensure compliance with Land Use Standards found in OAR 345-022-0030 relating to county permits, a right to farm disclaimer, a final noxious weed plan, and compliance with recommendations of underlying landowners regarding final facility layout and design.

County notes that compliance with a weed plan, per Condition #Pre-LU-04, is problematic to enforce and to that end recommends that EFSC also require that the final noxious weed plan be reviewed and approved by county Weed Supervisor. That plan will, at minimum, require the certificate holder to fund at least one FTE County position to implement the weed abatement program and ensure compliance with planned noxious weed and native re-vegetation requirements. In addition, the noxious weed plan may require the certificate holder to employ personnel, hire a third party or fund additional county employee(s) to carry out the weed abatement program. The certificate holder's annual monitoring report required per EFSC's operational conditions should include a report identifying the ratio of noxious weeds to native vegetation to ensure compliance with the noxious weed plan.

To ensure appropriate coordination of construction traffic, County recommends EFSC include a condition requiring a Traffic Management Plan (TMP) and Road Use Agreement (RUA) to be approved by Morrow County. As part of the TMP and RUA, County will require the developer conduct a pre-construction survey of anticipated construction routes and implement road improvements identified in the survey prior to construction.

Additional detail about dust management during construction is warranted. Specifically, application should provide documentation about source of water supply to ensure water is from an appropriate source (well or city supply). Relatedly, developer claims no adverse impacts to water supply yet estimates 40-70 million gallons of water per phase during construction, and 1 million gallons per year after construction. Water is also required during drought conditions to wash solar panels. County recommends a condition of approval requiring the certificate holder to verify local capacity.

Exhibit U Socioeconomic Impacts includes a summary of housing Impacts that is not substantiated with current data. Morrow County, like much of Oregon, is experiencing a serious housing shortage. While temporary workforce housing may be permitted through the county CUP process, the ASC does not specify properties. Further, while county supports allowing temporary workforce housing on lands zoned Exclusive Farm Use, as part of the county CUP process, there is no evidence in the record that quantifies expected number of specific RV sites. Housing vacancy information is outdated. County recommends developer conduct a housing needs and impacts analysis specifically for temporary construction period and a mitigation plan for any downstream impacts to the local housing supply. The application does not identify cumulative impacts of multiple major construction projects. Several pending energy projects are claiming “no significant impacts” to local housing/water/services and are relying on the same baseline data.

Cities have also expressed concern about impacts to housing supplies and cumulative housing impacts. In addition to providing updated and current housing data, county recommends developer consult with cities in Morrow County and identify housing specifically for the Wagon Trail project.

With regard to Statewide Planning Goal 3, County does not support the conclusion that “[t]he site boundary includes an area of 7,450 acres, or approximately 1 percent of land on farms in Morrow County, and therefore a de minimis removal of land from agricultural use.” Exhibit K page 50. This is particularly problematic to prove where the analysis fails to consider the cumulative impacts to agricultural land from the many large and small-scale energy generating facilities sited on farmable land in Morrow County.

The applicant’s analysis relies on presumptive tax revenue to offset local agricultural and economic impacts, which is not consistent with the intent of Statewide Planning Goal 3. In Exhibit K Applicant relies upon a “reasons exception” per ORS 469.504 and concludes that the “exception is warranted to allow a locationally dependent facility that will fulfill important state and county goals by providing renewable energy while minimizing impacts on local farming practices.” Exhibit K page 71. That statement does not account for the specific impacts on the subject property i.e. where there is a solar array constructed no farming is possible. County agrees generally that the development could take place in such a way that minimizes impacts to *adjacent* farming practices, however, the application provides no examples of how the development will minimize or mitigate impacts to the subject property underneath the solar array.

Applicant relies primarily on proximity to existing infrastructure and the overall economic benefit to county in general, as reasons to justify the exception. County suggests additional

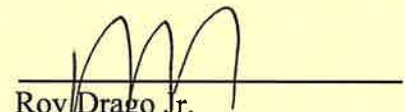
detail be included to show how the proposed solar is compatible with adjacent farm use. Additionally, county recommends the ASC explore specific ideas to mitigate impacts to the farmland and the farming economy rather than relying on general financial contribution to county which may or may not mitigate farmland specifically.

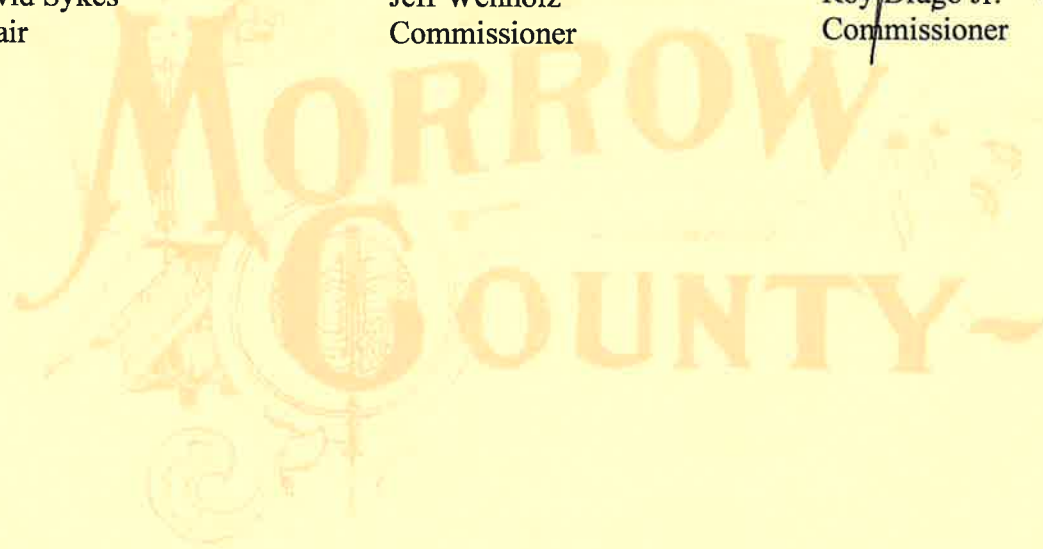
As recognized by Goal 3, the value of agricultural land extends far beyond the taxable value of the property and as such, prospective tax revenue should not be the sole consideration when evaluating agricultural impact mitigation. County notes that the Agricultural Impact Analysis by ECONorthwest is similar to an analysis submitted for another project who has proposed a special fund be set aside earmarked for agriculture mitigation.

Sincerely,



David Sykes
Chair

Jeff Wenholz
Commissioner

Roy Drago Jr.
Commissioner

Wagon Trail Solar Application for Site Certificate
Applicant Responses to Comments Raised on the Record of the
Draft Proposed Order Public Hearing



June 11, 2024

Chase McVeigh-Walker
Energy Facility Siting Analyst
Oregon Department of Energy
550 Capital Street, NE 1st Floor
Salem, OR 97301

Re: Morrow County Comment on Wagon Trail Solar Project Draft Proposed Order (DPO)

Dear Chase,

Wagon Trail Energy Center, LLC c/o NextEra Energy Resources, LLC (NextEra, Applicant) has reviewed the public and agency comments provided during the public hearing on the Draft Proposed Order and submitted to the Oregon Department of Energy (Department) related to the Wagon Trail Solar Project (Wagon Trail or Project). Although we believe there is sufficient evidence in the record to support the Department's recommendation that the Energy Facility Siting Council (EFSC or Council) approve the Project, this letter responds directly to the Goal 3 exception comments submitted orally and in writing by Morrow County.

First, the Applicant would like to thank Morrow County for their strong support of the Project and all affiliate projects already operating within the County. While we understand that the County may have questions about the details of the Goal 3 Exception analysis (which we address below), we appreciate the strength of our partnership with the County over the years and look forward to continued collaboration in the years to come. One correction to the County's comment letter: 3,684 acres (not 3,852.5 acres) is the anticipated impact footprint and acreage subject to the Goal 3 exception.

The County has compared our Project's agricultural mitigation proposal directly to the Sunstone Solar Project's (Sunstone) agricultural mitigation proposal. For context, Sunstone is an EFSC jurisdictional project that has yet to be evaluated by the Council. Although we understand the County's interest in ensuring consistency in the application of its land use standards, the comparison to Sunstone is unwarranted because the two mitigation programs address different impacts: Sunstone's mitigation goal is to address a **reduction** in agricultural spending in Morrow County, while Wagon Trail's mitigation goal is to address a **change** in agricultural spending in Morrow County while also improving the productivity and value of agricultural activities in Morrow County by funding key local agricultural projects that will benefit the selected agricultural stakeholders as well as the wider dry-land wheat community.

The County is correct that Sunstone and Wagon Trail both worked with the same economic consultant ECONorthwest who used the same methodology to quantify the economic impacts of farming dryland wheat within each project's anticipated Goal 3 exception area. However, the direct comparison of the two projects' impacts and mitigation programs is an inaccurate approach due to the difference in project scale/number of acres being removed from production (3,684 acres at Wagon Trail vs 9,400 acres at Sunstone). Wagon Trail Solar is less than 40 percent of the size of Sunstone. Due to this difference in scale, the indirect economic impacts that would result from a reduction in spending on farming inputs and labor are less at Wagon Trail

NextEra Energy Resources, LLC

700 Universe Boulevard, Juno Beach, FL 33408

than they are at Sunstone and taken in context to the Morrow County agricultural economy, the Wagon Trail indirect impacts would have a very small impact. ECONorthwest reports that the IMPLAN model anticipates 1.6 full-time equivalent (FTE) jobs are indirectly associated with the 3,684 acres of dry-land wheat at Wagon Trail (compared to Sunstone's 3.9 FTEs). Of Wagon Trail's 1.6 FTEs, 1.3 FTEs are associated with jobs in the agriculture and forestry sector, which was the second largest sector by employment in Morrow County in 2021. A potential reduction of 1.3 FTE jobs represents approximately 0.2 percent of existing employment in this sector and about 0.06 percent of total agricultural jobs in Morrow County. This is a de minimis job loss in the County's agriculture and forestry sector. Furthermore, the loss of indirect annual output of the wheat production at Wagon Trail is 57 percent less than Sunstone's indirect annual output of wheat production (\$205,693 vs \$478,566). Mitigating for the indirect economic impacts of taking dry-land wheat out of production should not be simplified to a per-acre mitigation amount that applies to all solar projects. Rather, each project needs to be assessed on its own merits as each has different context, operational activities, and impacts. It is also the case that each project's agricultural economic analysis and plan needs to be evaluated in the context of the other "reasons" justifying a Goal 3 Exception.

One key element that sets Wagon Trail Solar apart from Sunstone and many other proposed solar projects is the fact that NextEra has a proven record of using local contractors and farmers to conduct site maintenance of the operating facilities. We have already submitted evidence to the record demonstrating that Wagon Trail will spend more money in the agricultural economy than the current farmers and landowners of the same affected acreage (see the Applicant's letter dated April 1, 2024). This more than offsets the indirect economic impact to Morrow County's agricultural economy with no additional mitigation being necessary. In other words, Wagon Trail will not reduce the annual spending in the agricultural economy because it will replace the annual expenditures from dryland wheat farming activities (e.g., chemicals, seed, fertilizer, fuel) with annual operational expenditures for the solar facility (e.g., chemicals, fuel, etc.). See Attachment: Economic Considerations of the Wagon Trail Project Goal 3 Exception (EcoNorthwest, June 11, 2024). This is the primary way Wagon Trail will mitigate for the small indirect economic impacts that could occur from the reduction of 3,684 acres of dry-land wheat production.

The second way NextEra will ensure the agricultural economy in Morrow County benefits from Wagon Trail is the additional \$500,000 mitigation funding commitment to local stakeholders. This mitigation fund is a sign of continued partnership with the agricultural community and serves as a direct investment in agriculture-related projects that will produce economic benefits to the local agricultural economy measured in terms of changes in value or productivity. Just as project-related operational spending in Morrow County would help sustain the viability of local agricultural suppliers (e.g. Morrow County Grain Growers [MCGG]), investments in agriculture-related projects could improve the productivity and value of agricultural activities in Morrow County. See Attachment: Economic Considerations of the Wagon Trail Project Goal 3 Exception (EcoNorthwest, June 11, 2024). The amount of funding being provided (i.e. \$500,000) is not based on a calculation of loss of spending over the course of the Wagon Trail's operations (i.e. indirect economic impacts), but rather is based on the budgets needed to fund the projects identified by the selected agricultural stakeholders. For example, the funding for the Oregon State University Agricultural Research Program will buy specific equipment identified by program manager Larry Lutchter which will assist the program's agricultural research in Morrow County, the purpose of which is to develop alternative dryland farming methods that will directly benefit wheat producers in Morrow County. The MCGG funding will go towards needed upgrades at the North Lexington Grain Elevator which will directly benefit MCGG and local wheat farmers by increasing load-out capacity for MCGG trucks and decreasing the time it takes for wheat farmers to dump grain loads at the elevator during harvest time (thus saving farmers' time and fuel costs). The North Lexington Grain Elevator upgrades will increase efficiencies for MCGG and provide economic benefits that would mitigate potential economic impacts MCGG may feel from a change in annual spending associated with the Goal 3 exception acreage during the operational period of the Project. For example, the type of

annual spending associated with the 3,684 acres in the Project site boundary may change from a mix of farming inputs (i.e. chemicals, seed, fertilizer, fuel) to a mix of solar facility operating inputs (i.e. chemicals, fuel, etc.). This change in spending is in part why MCGG was selected as a key stakeholder to receive some of the mitigation funding.

While NextEra understands that the County has an interest in ensuring that the Council's analysis of Goal 3 Exceptions is robust and that the County appears to favor Sunstone's mitigation approach, the County does not appear to understand the differences in the mitigation proposals outlined above. Nor has the County offered any additional actionable quantitative alternatives to the Wagon Trail mitigation plan. We intend to execute our mitigation as proposed, which while informed by a similar economic analysis as was prepared for Sunstone, the Wagon Trail mitigation approach is based on our operational experience in Morrow County and direct experience using local contractors and suppliers. To ensure the Wagon Trail Solar Project's mitigation approach for annual spending in the local agricultural economy, the following condition to the site certificate could be considered:

- Prior to construction, the Certificate Holder will submit evidence to the Department showing one or more contractual agreements with a Morrow County based contractor for weed control services. As part of that agreement, the contractor will be required to purchase chemicals from a local supplier.
- Over the life of the Project, the Certificate Holder will account for all construction and operational expenditures at Morrow County suppliers that support the agricultural sector of the Morrow County economy (e.g. Morrow County Grain Growers). A copy of this account will be submitted to the Department every two years. Construction and operational expenditures include expenditures by Wagon Trail's contractors at Morrow County agricultural suppliers.

NextEra strives to do the right thing as a company and as impacts change in Morrow County, and we are committed to supporting the landowners, farmers, and community so that we remain an asset to the County and its residents. We believe that our Goal 3 Exception analysis, including our agricultural mitigation approach, is supported by ample evidence in the record.

NextEra would like to thank the Department for its careful evaluation of the ASC and its close coordination with the Applicant's team over the last two years. We appreciate the opportunity to provide these additional comments and look forward to the Council's evaluation of the Project.

Thank you,

DocuSigned by:

40795D309B8F49F...

Ryan Hill
Senior Project Manager
NextEra Energy Resources

Cc: David Lawlor, NextEra
Sara Twitchell, NextEra

NextEra Energy Resources, LLC

700 Universe Boulevard, Juno Beach, FL 33408

Sarah Curtiss Stauffer, Stoel Rives
Leslie McClain, Tetra Tech
Carrie Konkol, Tetra Tech

Attachment:

Economic Considerations of the Wagon Trail Project Goal 3 Exception (EcoNorthwest, June 11, 2024)

DATE: June 11, 2024
TO: Tetra Tech
FROM: ECONorthwest
SUBJECT: Economic Considerations of the Wagon Trail Project Goal 3 Exception

Introduction

Wagon Trail Energy Center, LLC c/o NextEra Energy Resources, LLC (NEER) , is proposing to construct and operate the Wagon Trail Project (Project), an up to 500 megawatt (MW) alternating current (AC) photovoltaic (PV) solar energy generation facility in Morrow County, Oregon. The Project also includes a 230-kV transmission line, two collector substations, an operations and maintenance (O&M) building, meteorological towers, a distributive battery energy storage system (BESS), and other structures including roads, perimeter fencing, and gates. NEER is presently seeking an exception from Oregon's Goal 3 to remove 3,684 acres from agricultural use in Morrow County.¹

As part of the Goal 3 exception request, NEER is proposing to offset the adverse effects of the Project on the Morrow County agricultural economy through several mitigation actions. Agricultural mitigation of the Project, under the Goal 3 exception request, is intended to improve the long-term viability and resilience of the local agricultural economy, and specifically to offset the adverse effects of the Project on the Morrow County agricultural economy.

This memo reviews from an economic perspective NEER's proposed agricultural mitigation actions and their potential to offset potential adverse impacts to the agricultural economy.

Economic Impacts of the Project on the Agricultural Economy

The economic impacts of removing agricultural land from production includes reducing crop production and associated farm revenue (i.e. direct impacts), which leads to a reduction in spending on agricultural inputs in the local economy with an associated reduction in gross profit (i.e. indirect impacts), and a reduction in associated household expenditures (i.e. induced impacts). The Project will remove 3,684 acres of agricultural land from production, generating economic impacts in the local agricultural economy (within Morrow County). These

¹ Oregon Planning Department of Land Conservation and Development. (Accessed 2024). "Oregon's Statewide Planning Goals and Guidelines: Goal 3 OAR 660-015-0000(3)". Accessed online <https://www.oregon.gov/lcd/OP/Documents/goal3.pdf>.

impacts are detailed in EConorthwest's agricultural impact analysis of the Project as presented in the Application for Site Certificate in Attachment K-4 of Exhibit K.²

Economic impacts associated with the Project displacing land used for agricultural production are estimated using IMPLAN software. IMPLAN is a regional input-output model widely used to assess economic impacts. Impacts are assessed using three measures that are reported by the IMPLAN model. Output is the value of goods and services produced, which serves as a broad measure of economic activity. Jobs are measured as the number of employees engaged in full- or part-time work. And personal income (or labor income) is expressed as the sum of employee compensation and proprietary income.

As described in the EConorthwest agricultural impact analysis (see Attachment K-4 of Exhibit K), the adverse indirect impacts of the Project represent the economic activity supported by agricultural production on the affected lands. As farmers purchase chemicals, seed, services, and other inputs to grow wheat, their purchases ultimately materialize as indirect impacts of agricultural production:

*"While all [direct, indirect, and induced] economic activity arises from agricultural production on the project site, the indirect impacts most closely reflect economic activity in the agricultural sector in Morrow County supported by this production, which would be lost when the project is built ... This includes spending on inputs like seeds, fertilizer, and fuel and contract services, which could include harvesting or spraying. ... When agricultural production on the site stops, the presumption is that this spending no longer occurs and this amount of FTE, labor income, and output would be lost."*³

Thus, adverse indirect impact is the measure at the focus of agricultural mitigation under the Goal 3 exception. Since farmers in Morrow County almost exclusively purchase production inputs in the local area, local suppliers (e.g. Morrow County Grain Growers or MCGG) could face a reduction in gross profit due to the Project. The agricultural impact analysis estimates the adverse indirect economic impacts due to the reduction in agricultural production from the Project at \$205,693 in annual economic output, \$123,471 in labor income and 1.6 FTE employee annually (please see Table 15 in Attachment K-4 for more information).⁴

Effects of Proposed Mitigation through Operational Spending

Agricultural mitigation of the Project, under the Goal 3 exception request is intended to offset adverse effects on the Morrow County agricultural economy, which as discussed previously can be understood as the adverse indirect economic impacts of the Project due to removing land from production. Indirect impacts represent economic activity supported by agricultural

² EConorthwest. (2023). "Wagon Trail Solar Project Application for Site Certificate, Attachment K-4 EConorthwest Agricultural Impact Analysis". Accessed online <https://www.oregon.gov/energy/facilities-safety/facilities/Facility%20Exhibits/WTS/WTS-Exhibit-K-Land-Use.pdf>

³ Ibid

⁴ Ibid



production through supply-chain spending on inputs like chemicals, seeds, fuel, and contracting services (including contract services like spraying).

One potential approach to mitigate the potential impact to the agricultural economy is to replace agricultural-related spending on inputs with equivalent or higher spending on the same or similar inputs from the same suppliers currently supported through agricultural production activities. The expected indirect economic impacts (output, income, and jobs) of such spending would be of similar magnitude as the modeled indirect impacts as estimated in the agricultural impact analysis (Attachment K-4). For this mitigation to have the intended effect:

- ◆ Project-related spending must be of a similar type to the lost spending due to reduced agricultural production, and could include purchases of chemicals, seed, services, and fuel.
- ◆ Project-related spending would need to be made annually over the life of the project.
- ◆ Purchases would need to be made within the local agricultural economy as is consistent with current farming purchases.
- ◆ The total purchase amount would need to be equal to or greater than the current spending by impacted farmers over the life of the Project.

Farmers on the affected lands report annual spending ranging from \$102 to \$150 per acre on agricultural production inputs, averaging \$119 per acre over four tracks of impacted land. This figure equates to roughly \$440,000 in agricultural spending per year over the 3,684 affected acres. If NEER spends a minimum of \$119 per acre or a total of \$440,000 in agricultural input purchases (on chemicals, seed, fuel, etc.) from within the local agricultural economy per year over the life of the Project, then the indirect impacts identified in the ECONorthwest agricultural impact analysis associated with the removal of 3,684 acres from dryland wheat production would be mitigated under Goal 3 exception.

In this case, the spending previously made by farmers on the affected lands would be replaced by Project operation spending in the local agricultural economy, helping to sustain the long-term viability and resilience of the Morrow County agricultural economy and thus offsetting any potential adverse indirect impacts from the Project.

Due to their current presence in Morrow County, NEER is in a unique position to engage local spraying service providers that are currently employed on other NEER properties for weed abatement services on the Project. Weed abatement on the Project lands through Butter Creek Spraying is estimated to cost \$500,000 for chemicals and \$700,000 for labor annually. Assuming Butter Creek Spraying commits to purchasing chemicals locally (as is the case for nearby Wheatridge Solar), this work would generate \$136 per acre in local spending in the agricultural economy. This amount of spending equates to roughly \$16 more per acre than would be the case without the Project, indicating the Project would likely produce a net positive impact on the agricultural economy of Morrow County.



Effects of Proposed Mitigation through Investment in Agriculture-Related Projects

NEER has previously committed to two mitigation measures that are anticipated to positively benefit agricultural producers in Morrow County. These direct investments also support the viability of the agricultural economy in Morrow County, but their economic effects are measured differently. Spending on inputs produces *economic impacts*, measured through changes in output, income, and jobs. Direct investments in agriculture-related projects produce *economic benefits*, measured in terms of changes in value or productivity.

The intent of the agricultural mitigation under Goal 3 is to offset potential impacts of the Project on the agricultural economy in Morrow County to sustain the resilience and long-term viability of the Morrow County agricultural economy. Just as project-related spending would help sustain the viability of agricultural suppliers (like MCGG), investments in agriculture-related projects could improve the productivity and value of agricultural activities in Morrow County. The pathways through which these economic benefits could occur are described for each of NEER's proposed mitigation investments below.

Morrow County Agricultural Research

NEER anticipates funding Mr. Larry Lutcher's research on alternative farming methods in Morrow County. Mr. Lutcher's agricultural research is focused on providing leadership for extension and research programs in Morrow County. Specifically, Mr. Lutcher identified three equipment purchases that if funded would allow him to grow his program and add value to his research efforts, which are currently constrained by the limited availability of small-scale, research-grade equipment. With a total of roughly \$170,000 in mitigation funding, Mr. Lutcher could purchase a plot drill, stationary thresher, and small case-IH tractor (with some portion of purchases being completed locally from MCGG), to be utilized in alternative farming experiences. The results of Mr. Lutcher's work is available to local families and wheat producers through in-the-field applied research presentations and publications outlining nutritional requirements and management of dryland wheat in the region, evaluation of new technology, specific crop performance in the local area, and more. Such work has the potential to increase yield and/or reduce the cost of production, thereby increasing farmer profit, a direct benefit to farmers. While this potential benefit is not quantified as part of this analysis, it will improve the long-term viability and resilience of the agricultural economy in Morrow County.

MCGG Facility Upgrades

NEER anticipates funding MCGG upgrades at the MCGG North Lexington grain elevator as part of the agricultural mitigation to benefit local producers. Upgrades at the North Lexington facility will allow for an increase in load-out capacity for MCGG trucks, which load grain from



the North Lexington facility for transport to the Port of Morrow while also decreasing the time it takes farmers to dump harvest during the busy harvest period. Reductions in the time it takes farmers to complete their work during harvest directly translate to farmer cost savings, thereby increasing farmer profit, a direct benefit to farmers. While this potential benefit is not quantified as part of this analysis, it will improve the long-term viability and resilience of the agricultural economy in Morrow County.

Conclusion

Agricultural mitigation of the Project is focused on the mitigation of adverse indirect economic impacts of the Project as outlined in ECONorthwest's agricultural impact analysis in Exhibit K. One potential mitigation strategy is to replace the reduction in agricultural spending due to the Project in the local agricultural economy in a magnitude and type that would offset the lost spending, leading to indirect output, income, and jobs of the same type and magnitude as those lost due to the Project. Such mitigation spending of a similar type to the lost spending due to the Project including purchases of chemicals, seed, services, and fuel would need to be made annually over the life of the project. Purchases would need to be made within the local agricultural economy as is consistent with current farming purchases. The total purchase amount would need to be equal to or greater than the current spending by impacted farmers over the life of the Project. If NEER spends a minimum of \$119 per acre or a total of \$440,000 in agricultural input purchases (on chemicals, seed, fuel, etc.) from within the local agricultural economy per year over the life of the Project, then the indirect impacts identified in the ECONorthwest agricultural impact analysis associated with the removal of 3,684 acres from dryland wheat production would be mitigated under Goal 3 exception.

In addition, in fulfillment of agricultural mitigation under Goal 3 exception, NEER anticipates investing in the local agricultural economy to *benefit* local farmers. One such project will support research on alternative farming methods in Morrow County. The second project will support the MCGG facility upgrades at the North Lexington grain elevator. All actions outlined in this memo are consistent with the intent of Goal 3 to help sustain the resilience and long-term viability of the agricultural economy in Morrow County to mitigate for Project related impacts to the agricultural economy.



Number	First	Last	Comment	Applicant Response
1	Tamra	Mabbott	[Card says "Written comments to follow." No comment attached. Seems to be a heading card for comments 2 and 3.]	
2	Cameron	Krebbs	See attached vegetation comparison on operating solar farms. [Flyer attached.] As defined by NRCS soil health is the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans. Healthy soil gives us clean air and water, bountiful crops and forests, productive grazing lands, diverse wildlife, and beautiful landscapes. Both solar farm sites pictured are located in the Columbia Basin; one in Morrow County and the other in an adjoining county. Sites are similar in size and operational years. Pictures from the spring 2024 growing season. Site A, on the left has a healthy vegetative cover across the entire site. Management practices have been mowing and grazing over the last two growing seasons. Benefits: Soil with vegetative cover aids in water infiltration, prevention of water erosion and provides habitat. Site B, on the right has had at least two consecutive years of bare earth during the growing season. Perceived management practice is continuous chemical applications. Concerns: What is the effect of long-term chemical applications to our drinking water, surface water, soil health, wildlife and natural environment. Please don't permit solar farms to use a bare earth approach to vegetation management. For more information contact Cameron Krebs, Krebs Solar Grazing 541-760-0368 Cameron.L.Krebs@gmail.com	The Applicant appreciates Mr. Krebs comments regarding soil health and vegetation management practices as solar facility sites. The Applicant has provided several draft plans in the ASC to address revegetation of temporarily disturbed areas (see Attachment P-4, Draft Reclamation and Revegetation Plan, Exhibit P) and vegetation management within the solar array areas (see Attachment P-5, Draft Noxious Weed Control Plan, Exhibit P and Attachment V-1, Wildfire Mitigation Plan, Exhibit V). Vegetation management at the Facility must address many requirements including minimization of fire risk, avoidance of the spread of noxious weeds, and operational needs (i.e. maintaining adequate clearance between vegetation and equipment). The Applicant does not know the exact vegetation management approach that will be utilized at Wagon Trail Solar as it will depend on a number of factors. For example, in some years vegetation management may require higher amounts of chemical application to address weed growth while in other years, less chemicals would be applied and established ground cover would be mowed or grazed as needed. In either case, the Applicant will work with local agricultural contractors/suppliers to purchase vegetation management inputs (i.e. ground cover seed and other supportive inputs) and to provide contractor services such as spraying, mowing, or grazing. When chemicals are used to assist with vegetation management, herbicide application will adhere to the Environmental Protection Agency (EPA) and Oregon Department of Agriculture (ODA) standards. Only those herbicides that are approved by the EPA and ODA will be used. Only the quantity of herbicides needed for the day's work will be transported to the Facility, and concentrate will be transported in approved containers. In addition, all appropriate precautions will be taken to avoid herbicide spills. In the event of a spill, cleanup will be immediate.
3	Sam	Myers	[None provided.]	
4	Kelly	Killkennny Hale	The Robert J. Kilkenny Trust is the sole owner of two LLCs created to hold two tracts of farm ground previously owned by our Dad: the Kilkenny Land Company, LLC., and the RJK Family, LLC. Russell and I became successor Trustees to Dad after he died in 2016. RJK Family, LLC has both Turbines and Solar panels on the land. Kilkenny Land Company, LLC has Wind Turbines only at this time. The first year of operation after Dad's passing provided no ROI. The ground is a very fine Silt Loan. We have no access to water. The average yield is 30 bushels to the acre. The price for wheat in 1975 was similar to this year. Land values are roughly \$500 an acre for our ground vs Irrigated ground at \$12,000 an acre. The first year after the Turbine installation gave us an ROI of roughly 15%. It allowed us to increase acreage. We let our CRP contracts expire that totaled 700 acres and have begun the process of returning it to farm land. That increased our fertilizer bill to MCGG by \$40,000.00. We are also working to make our existing acres more productive. We've began a double fallow rotation. This has many benefits: it allows us to kill more weeds and rye and boosts our average yield. We realize that the solar leases will take acres out of production. It's important that you understand the extra revenue from the Wind revenue has given us the opportunity to add more acreage into production and increase our yields. We will see a net gain in production from the Renewable Energy Partnership with NextEra. Our working relationship with NextEra has been extremely productive. They have paid to clean up our property. They are incredible stewards of the land. Also, they have provided additional jobs/tax revenues to Morrow County. They have also provided sponsorship to local events. Thanks in advance for your support of the Wagon Trail Solar Facility. Please reach out with any additional questions.	The Applicant appreciates the comment of support for the project from Ms. Kilkenny-Hale.
5a	Tamra	Mabbott	[3-page letter. Main comments summarized.] [Thank you paragraph, project details summary.] As part of our ongoing engagement, Morrow County appreciates the responsiveness of the Oregon Department of Energy (ODOE) in addressing concerns raised during the Application for Site Certificate (ASC) process, particularly regarding issues such as noxious vegetation and wildfire risks. We are strongly supportive of the project and anticipate continued collaboration with the Department and the Applicant to ensure its successful establishment in Morrow County. [Statement that these comments are focused on Goal 3 exception justification. History of correspondence.] ...Morrow County has not found that the final version of the application sufficiently demonstrates that an exception to Statewide Planning Goal 3 is justified. The County disagrees with ODOE's findings related to several elements of the Applicant's goal 3 reasons justification, as outlined below.	Please refer to the Applicant's Morrow County Reponse Letter (June 11, 2024).
5b	Tamra	Mabbott	1. The Facility responds to important state and county goals and priorities. Department rejects Applicant's argument-consistency with local and state energy policies is not an adequate reason to justify taking an exception to Goal 3. Morrow County agrees with ODOE that this justification is insufficient and should be rejected.	Please refer to the Applicant's Morrow County Reponse Letter (June 11, 2024).
5c	Tamra	Mabbott	2. The Facility is locationally dependent. Department accepts the Applicant's argument that proximity to existing or approved renewable energy development and an existing transmission line satisfies criteria for being locationally dependent. County concurs with ODOE that this reason is sufficient and should be accepted.	Please refer to the Applicant's Morrow County Reponse Letter (June 11, 2024).

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5d	Tamra	Mabbott	3. Minimal Impacts to Agriculture. Department rejects two of the Applicant's justifications demonstrating minimal agricultural impacts. A. Minimal direct impacts on agriculture. (ODOE rejected) B. Minimal indirect impacts and induced impacts on agriculture. (ODOE accepted) C. Water availability. (ODOE accepted) D. Farmland preservation and temporary land conversion. (ODOE rejected) County concurs with ODOE's rejected of items a and d above as well as ODOE's acceptance of item c. However, County disagrees with ODOE's finding on item b above and finds, in the alternative that the project will have substantial indirect and induced impacts on the local agriculture economy. Similar to wetland mitigation, county supports agricultural mitigation as a way to approve the exception to Statewide Planning Goal 3.	Please refer to the Applicant's Morrow County Reponse Letter (June 11, 2024).
5e	Tamra	Mabbott	4. Local Economic Benefits. Department rejects Applicant's argument that the economic benefits of the project constitute a reason justifying taking a goal exception, however Department finds that the economic benefits of related to the agricultural mitigation fund and sufficient for justifying such an exception. County does not agree with ODOE's finding that the project's local economic benefit is a sufficient reason to justify the Applicant's requested Goal 3 exception. There is indeed general economic benefit with the construction and operation of a solar facility. There is not, however, a direct nexus between those general economic benefits and benefit (or impacts) to farmland. As a remedy, to offset net impacts to agricultural lands, County supports a robust farm mitigation program.	Please refer to the Applicant's Morrow County Reponse Letter (June 11, 2024).
5f	David	Sykes	5. Minimal Impacts to Other Environmental Resources. Department agrees that minimal impacts to other environmental resources is a sufficient justification for approving a Goal 3 exception. County concurs with ODOE that this reason is sufficient and should be accepted.	Please refer to the Applicant's Morrow County Reponse Letter (June 11, 2024).
5g	David	Sykes	The DPO includes land use conditions 14 and 15, which require the applicant to contribute \$170,000 to the Oregon State Agricultural Research Program and \$300,000 to the Morrow County Grain Growers Association. While County strongly supports the identified projects, those contributions fall short in addressing the substantial impacts of lost agricultural land. County believes that the ODOE conditions undervalue the impact on Morrow County's agricultural economy. By comparison, a similar project under EFSC review (Sunstone Solar) found a much higher value per acre in establishing the mitigation methodology. Both projects relied on the same consultant, ECONorthwest, to conduct that analysis. The analysis for the Sunstone project reflects a more comprehensive understanding of the anticipated direct and indirect economic implications. Morrow County believes it is important to establish consistent and robust methodology for assessing agricultural mitigation, particularly as used to justify a Goal 3 exception. Mitigation for removal of wetlands is a well-established practice which is a model for agricultural lands mitigation. While appreciative of the efforts thus far, the proposed conditions represent a nominal contribution per acre comparatively.	Please refer to the Applicant's Morrow County Reponse Letter (June 11, 2024).
5h	David	Sykes	We urge ODOE and the Applicant to reconsider the justification for the requested Goal 3 exception and enhance the agricultural mitigation proposal. This would include formalizing the mitigation proposal with a Memorandum of Agreement which may also include the appointment of a committee to identify projects and distribute the funds to agricultural programs that serve to mitigate impacts to farmland. We hope the county's solution will not create an undue burden on NextEra nor disrupt the project timeline. Thank you for considering our input on this matter. We remain committed to construction engagement and look forward to further discussions to address these concerns. For questions or additional information, please contact Tamra Mabbott, Planning Director, at 541-4624 or tmabbott@co.morrow.or.us.	Please refer to the Applicant's Morrow County Reponse Letter (June 11, 2024).